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Practitioner's Pocket No. U 013502-5

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application  
of \_\_\_\_\_

Inventor(s)

for \_\_\_\_\_

Title of invention

OR

COPY OF PAPERS  
ORIGINALLY FILEDIn re application of: Oleg Fedorovich **ORLOV**, et al.

Serial No.: 09/857,662

Group No.: 3744

Filed: August 28, 2001

Examiner: - -

For: DEVICE FOR MEASURING THE VISCOSITY OF FLOWING MEDIA, VISCOSITY  
SENSOR AND METHOD FOR MANUFACTURING THE ELECTRODES OF A  
TACHOMETER FOR SAID VISCOSITY SENSORAssistant Commissioner for Patents  
Washington, D.C. 20231

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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))

Technology Center 2600

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. 1.97(b).

## CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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- ☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents,  
Washington, D.C. 20231.

37 C.F.R. 1.8(a)

37 C.F.R. 1.10\*

- ☒ with sufficient postage as first class mail.

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## TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature  
Julian H. Cohen

(type or print name of person certifying)

Date: December 5, 2001

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

**NOTE:** The "filing date of a national application" under 37 C.F.R. 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 C.F.R. 1.97(b)(2).

### **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

**NOTE:** "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).


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SIGNATURE OF PRACTITIONER

Julian H. Cohen

*(type or print name of practitioner)*

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E. Millie  
8-16-02

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Oleg Fedorovich **ORLOV**, et al.

Serial No.: 09/857,662

Group No.: 3744

Filed: August 28, 2001

Examiner: --

For: DEVICE FOR MEASURING THE VISCOSITY OF FLOWING MEDIA,  
VISCOSITY SENSOR AND METHOD FOR MANUFACTURING THE  
ELECTRODES OF A TACHOMETER FOR SAID VISCOSITY SENSOR

Attorney Docket: U 013502-5

Commissioner of Patents and Trademarks

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INFORMATION DISCLOSURE STATEMENT

We draw the attention of the Examiner to the attached English-  
language version of an International-type Search Report from a foreign office  
in respect of counterpart International Application No. PCT/RU 99/00470  
that indicates the degree of relevance found by the foreign office. The Search  
Report makes consideration of any non-English art required. MPEP 609.

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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being  
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on the date shown below with sufficient postage as first class mail in an  
envelope addressed to the: Commissioner of Patents and Trademarks,  
Washington, D.C. 20231

Julian H. Cohen

(Type or print name of person mailing paper)

Date: December 5, 2001

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Form PTO-1449 is also attached with reference copies.

Respectfully Submitted,

JULIAN H. COHEN  
LADAS AND PARRY  
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FORM PTO-1449

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PATENT AND TRADEMARK OFFICE

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SERIAL NO.

U 013502-5

09/857,662

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(Use several sheets if necessary)



APPLICANT

Oleg Fedorovich ORLOV, et al.

FILING DATE

GROUP

August 28, 2001

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## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	AA	4 4 9 9 7 5 3	2/1985	CARR	73	59	
	AB	5 1 6 7 1 4 3	12/1992	BROOKFIELD	73	54.23	
	AC	4 1 9 9 8 0 0	4/1980	WEIT	361	239	
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

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## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
						YES NO
	AL					
	AM					
	AN					
	AO					
	AP					

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## OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

	AR	ABSTRACT OF JP7067361 DATED MARCH 10, 1985
	AS	
	AT	

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EXAMINER

DATE CONSIDERED

EXAMINER:

Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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